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**Notice of Allowability**

Application No.

10/088,226

Examiner

Dalei Dong

Applicant(s)

ALDRIDGE ET AL.

Art Unit

2879

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Request for Continued Examination filed February 18, 2005.
2. ☒ The allowed claim(s) is/are 12-19 and 21-25.
3. ☒ The drawings filed on 19 March 2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>2/18/05, 3/2/05</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                                      | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on February 18, 2005 has been entered.

### *Allowable Subject Matter*

2. Claims 12-19 and 21-25 are allowed.
3. The following is an examiner's statement of reasons for allowance:

Regarding to independent claim 12, the prior art of record taken alone or in combination fails to teach or suggest a composite comprising a locating means for locating position of the high-quality optical interface surface from an exterior of the composite material, the locating means comprising a detectable position marker embedded within the composite material; and a depth marker provided by the micro-substrate; wherein the depth marker comprises the position marker.

Regarding to independent claim 18, the prior art of record taken alone or in combination fails to teach or suggest a composite comprising a locating means for locating position of the high-quality optical interface surface from an exterior of the composite material, and the locating means comprising a detectable position marker embedded within the composite material; and a depth marker embedded within the composite material.

Regarding to independent claim 25, prior art of record taken alone or in combination fails to teach or suggest a composite comprising an a preformed micro-substrate embedded within the layer of composite material; and an optical processing means secured to the micro-substrate and embedded with it in the layer of composite material, the optical processing means being optical coupled to the transmission medium for processing light to or from the transmission medium, and for providing the optical interface surface

Furthermore, the Examiner has carefully reviewed the Information Disclosure Statement submitted by the Applicant on February 18, 2005, wherein including a translation of the Japanese Patent Office action and the Australian Office Action.

The Examiner asserts that according to the translation of the Japanese Patent Office Action, the rejection merely is concerned with a method of optically coupling an optical fiber and an exterior optical fiber by providing an aperture, nowhere in the Japanese Office Action or the cited prior art, does the Examiner found the present Application claimed feature of a preformed micro-substrate embedded within the layer of

composite material; and an optical processing means secured to the micro-substrate and embedded with it in the layer of composite material, the optical processing means being optical coupled to the transmission medium for processing light to or from the transmission medium, and for providing the optical interface surface, thus the Examiner has indicated the independent claim 25 is allowable.

Finally, the Examiner asserts that the Australian Office Action, merely provided that the claims are indefinite and unclear for examination and no art rejection has been provided, however, the Examiner believes that the claims in the present Application, reading in light of the Specification is clearly and definite, thus the Examiner has indicated the independent claim 25 is allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalei Dong whose telephone number is (571)272-2370. The examiner can normally be reached on 8 A.M. to 5 P.M..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar Patel can be reached on (571)272-2457. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



D.D.

May 4, 2005



Joseph Williams  
Primary Examiner  
Art Unit 2879